

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3
4 UNITED STATES SECURITIES AND
EXCHANGE COMMISSION,

5 Plaintiff

6 vs.

7 JOECOOL.COM, LLC,
8 JOSEPH ARIEL HABER, and
ROBERT TYE COURNOYER,

9
10 Defendants
11

Case No. 2:25-cv-00076-CDS-NJK

**FINAL JUDGMENT AS TO
DEFENDANT JOSEPH ARIEL HABER**

12 The Securities and Exchange Commission having filed a Complaint and Defendant Joseph
13 Ariel Haber having entered a general appearance; consented to the Court's jurisdiction over Defendant
14 and the subject matter of this action; consented to entry of this Final Judgment without admitting or
15 denying the allegations of the Complaint (except as to jurisdiction and except as otherwise provided
16 herein in paragraph VII); waived findings of fact and conclusions of law; and waived any right to
17 appeal from this Final Judgment:

18 I.

19 IT IS ORDERED, ADJUDGED, AND DECREED that Defendant is permanently restrained
20 and enjoined from violating, directly or indirectly, Section 10(b) of the Securities Exchange Act of
21 1934 (the "Exchange Act") [15 U.S.C. § 78j(b)] and Exchange Act Rule 10b-5 [17 C.F.R. §
22 240.10b-5], by using any means or instrumentality of interstate commerce, or of the mails, or of any
23 facility of any national securities exchange, in connection with the purchase or sale of any security:

24 (a) to employ any device, scheme, or artifice to defraud;
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1 (b) to make any untrue statement of a material fact, or to omit to state a material fact
2 necessary in order to make the statements made, in the light of the circumstances under
3 which they were made, not misleading; or
4 (c) to engage in any act, practice, or course of business which operates or would operate as
5 a fraud or deceit upon any person
6 by, directly or indirectly, (i) creating a false appearance or otherwise deceiving any person, or (ii)
7 disseminating false or misleading documents, materials, or information or making, either orally or in
8 writing, any false or misleading statement in any communication with any investor or prospective
9 investor, about:

- 10 (A) any investment strategy or investment in securities;
11 (B) the prospects for success of any product or company;
12 (C) the use of investor funds;
13 (D) compensation to any person;
14 (E) Defendant's qualifications to advise investors; or
15 (F) the misappropriation of investor funds or investment proceeds.

16 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as provided in Federal
17 Rule of Civil Procedure 65(d)(2), the foregoing paragraph also binds the following who receive actual
18 notice of this Final Judgment by personal service or otherwise: (a) Defendant's officers, agents,
19 servants, employees, and attorneys; and (b) other persons in active concert or participation with
20 Defendant or with anyone described in (a).

II.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant is permanently restrained and enjoined from violating Section 17(a) of the Securities Act of 1933 (the “Securities Act”) [15 U.S.C. § 77q(a)] in the offer or sale of any security by the use of any means or instruments of transportation or communication in interstate commerce or by use of the mails, directly or indirectly:

- (a) to employ any device, scheme, or artifice to defraud;
 - (b) to obtain money or property by means of any untrue statement of a material fact or any omission of a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading; or
 - (c) to engage in any transaction, practice, or course of business which operates or would operate as a fraud or deceit upon the purchaser
- by, directly or indirectly, (i) creating a false appearance or otherwise deceiving any person, or (ii) disseminating false or misleading documents, materials, or information or making, either orally or in writing, any false or misleading statement in any communication with any investor or prospective investor, about:

- (A) any investment strategy or investment in securities;
- (B) the prospects for success of any product or company;
- (C) the use of investor funds;
- (D) compensation to any person;
- (E) Defendant’s qualifications to advise investors; or
- (F) the misappropriation of investor funds or investment proceeds.

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as provided in Federal
2 Rule of Civil Procedure 65(d)(2), the foregoing paragraph also binds the following who receive actual
3 notice of this Final Judgment by personal service or otherwise: (a) Defendant's officers, agents,
4 servants, employees, and attorneys; and (b) other persons in active concert or participation with
5 Defendant or with anyone described in (a).

6 III.

7 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant is
8 permanently restrained and enjoined from violating Section 5 of the Securities Act [15 U.S.C. § 77e]
9 by, directly or indirectly, in the absence of any applicable exemption:

- 10 (a) Unless a registration statement is in effect as to a security, making use of any means
11 or instruments of transportation or communication in interstate commerce or of the
12 mails to sell such security through the use or medium of any prospectus or otherwise;
- 13 (b) Unless a registration statement is in effect as to a security, carrying or causing to be
14 carried through the mails or in interstate commerce, by any means or instruments of
15 transportation, any such security for the purpose of sale or for delivery after sale; or
- 16 (c) Making use of any means or instruments of transportation or communication in
17 interstate commerce or of the mails to offer to sell or offer to buy through the use or
18 medium of any prospectus or otherwise any security, unless a registration statement
19 has been filed with the Commission as to such security, or while the registration
20 statement is the subject of a refusal order or stop order or (prior to the effective date
21 of the registration statement) any public proceeding or examination under Section 8
22 of the Securities Act [15 U.S.C. § 77h].

23 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as provided in Federal
24 Rule of Civil Procedure 65(d)(2), the foregoing paragraph also binds the following who receive
25 actual notice of this Final Judgment by personal service or otherwise: (a) Defendant's officers,
26 agents, servants, employees, and attorneys; and (b) other persons in active concert or participation
27 with Defendant or with anyone described in (a).
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VI.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that pursuant to Sections 21(d)(1) and 21(d)(5) of the Exchange Act [15 U.S.C. § 78u(d)(1) and (5)], Defendant is permanently restrained and enjoined from directly or indirectly, including, but not limited to, through any entity owned or controlled by him, participating in the issuance, purchase, offer, or sale of any security in an unregistered offering by an issuer, provided, however, that such injunction would not prevent him from purchasing or selling securities for his own personal accounts.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also binds the following who receive actual notice of this Final Judgment by personal service or otherwise: (a) Defendant's officers, agents, servants, employees, and attorneys; and (b) other persons in active concert or participation with Defendant or with anyone described in (a).

V.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant is liable, jointly and severally with Defendant Joecool.com, LLC, for disgorgement of \$882,075, representing net profits gained as a result of the conduct alleged in the Complaint, together with prejudgment interest thereon in the amount of \$208,285, and a civil penalty in the amount of \$709,353 pursuant to Section 20(d) of the Securities Act [15 U.S.C. § 77t(d)] and Section 21(d)(3) of the Exchange Act [15 U.S.C. § 78u(d)(3)]. Defendant shall satisfy this obligation by paying \$1,799,713 to the Securities and Exchange Commission within 30 days after entry of this Final Judgment.

1 Defendant may transmit payment electronically to the Commission, which will provide
2 detailed ACH transfer/Fedwire instructions upon request. Payment may also be made directly from
3 a bank account via Pay.gov through the SEC website at <http://www.sec.gov/about/offices/ofm.htm>.
4 Defendant may also pay by certified check, bank cashier's check, or United States postal money
5 order payable to the Securities and Exchange Commission, which shall be delivered or mailed to

6 Enterprise Services Center
7 Accounts Receivable Branch
8 6500 South MacArthur Boulevard
9 Oklahoma City, Oklahoma 73169

10 and shall be accompanied by a letter identifying the case title, civil action number, and name of this
11 Court; Joseph Ariel Haber as a defendant in this action; and specifying that payment is made pursuant
12 to this Final Judgment.

13 Defendant shall simultaneously transmit photocopies of evidence of payment and case
14 identifying information to the Commission's counsel in this action. By making this payment,
15 Defendant relinquishes all legal and equitable right, title, and interest in such funds and no part of the
16 funds shall be returned to Defendant.

17 The Commission may enforce the Court's judgment for disgorgement and prejudgment
18 interest by using all collection procedures authorized by law, including, but not limited to, moving for
19 civil contempt at any time after 30 days following entry of this Final Judgment.

20 The Commission may enforce the Court's judgment for penalties by the use of all collection
21 procedures authorized by law, including the Federal Debt Collection Procedures Act, 28 U.S.C. §
22 3001 *et seq.*, and moving for civil contempt for the violation of any Court orders issued in this action.
23 Defendant shall pay post judgment interest on any amounts due after 30 days of the entry of this Final
24 Judgment pursuant to 28 U.S.C. § 1961. The Commission shall hold the funds, together with any
25 interest and income earned thereon (collectively, the "Fund"), pending further order of the Court.
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1 The Commission may propose a plan to distribute the Fund subject to the Court's approval.
2 Such a plan may provide that the Fund shall be distributed pursuant to the Fair Fund provisions of
3 Section 308(a) of the Sarbanes-Oxley Act of 2002. The Court shall retain jurisdiction over the
4 administration of any distribution of the Fund and the Fund may only be disbursed pursuant to an
5 Order of the Court.

6 Regardless of whether any such Fair Fund distribution is made, amounts ordered to be paid as
7 civil penalties pursuant to this Judgment shall be treated as penalties paid to the government for all
8 purposes, including all tax purposes. To preserve the deterrent effect of the civil penalty, Defendant
9 shall not, after offset or reduction of any award of compensatory damages in any Related Investor
10 Action based on Defendant's payment of disgorgement in this action, argue that he is entitled to, nor
11 shall he further benefit by, offset or reduction of such compensatory damages award by the amount of
12 any part of Defendant's payment of a civil penalty in this action ("Penalty Offset"). If the court in any
13 Related Investor Action grants such a Penalty Offset, Defendant shall, within 30 days after entry of a
14 final order granting the Penalty Offset, notify the Commission's counsel in this action and pay the
15 amount of the Penalty Offset to the United States Treasury or to a Fair Fund, as the Commission
16 directs. Such a payment shall not be deemed an additional civil penalty and shall not be deemed to
17 change the amount of the civil penalty imposed in this Judgment. For purposes of this paragraph, a
18 "Related Investor Action" means a private damages action brought against Defendant by or on behalf
19 of one or more investors based on substantially the same facts as alleged in the Complaint in this
20 action.

21 VI.

22 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Consent is incorporated
23 herein with the same force and effect as if fully set forth herein, and that Defendant shall comply with
24 all of the undertakings and agreements set forth therein.

VII.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, solely for purposes of exceptions to discharge set forth in Section 523 of the Bankruptcy Code, 11 U.S.C. §523, the allegations in the Complaint are true and admitted by Defendant, and further, any debt for disgorgement, prejudgment interest, civil penalty or other amounts due by Defendant under this Final Judgment or any other judgment, order, consent order, decree or settlement agreement entered in connection with this proceeding, is a debt for the violation by Defendant of the federal securities laws or any regulation or order issued under such laws, as set forth in Section 523(a)(19) of the Bankruptcy Code, 11 U.S.C. §523(a)(19).

VIII.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court shall retain jurisdiction of this matter for the purposes of enforcing the terms of this Final Judgment.

IX.

There being no just reason for delay, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, the Clerk is ordered to enter this Final Judgment forthwith and without further notice.

Dated: May 20, 2025



Cristina D. Silva
United States District Judge